

Exhibit B

EMSEAL V. SCHUL ET AL., USDC-NH (CA 1:14-CV-00358-SM)
DEFENDANTS' PROPOSED CONSTRUCTIONS FOR DISPUTED CLAIM TERMS

IDENTIFIED BY ALL PARTIES

Term to be construed	Asserted Patent and Claim(s)	Defendants' Proposed Construction	Identification of all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced.
“core”	9637915B1: 1-40 9637666B1: 1-59 8813450C1: 1-24 9631362B2: 1-20	material capable of compression and expansion to accommodate movement and to provide a recovery or return force (“back pressure”) and into which a fire retardant material can be infused, put into, included in, or permeated in	U.S. Patent 9,637,666 (SHP000031074-SHP000031085), Col. 4, lines 41-64, and Col. 4, line 65 - Col. 5, line 15 and claims 1-59, claims 1-59 U.S. Patent 9,637,915 (SHP000031027-SHP000031055), Col. 4, lines 13-31 and claims 1-40; also at ‘368, Col. 4, lines 52-64. and Col. 4, lines 32-49.
“infused”	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44 9644368B1:1-7 9670666B1: 1-41 9637915B1: 1-40 8813450C1: 1-24 9631362B2: 1-20 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41	The forcing or drawing by negative pressure of a material into a body where the material is fully retained in the body and the solvent is permitted to be driven off, without a further step to obtain a desired density less than full saturation. A process which is distinct from, and is an alternative to, impregnated, partial impregnation, or impregnating.	US Patent 8365495, Col 4, lines 33-37; p. 1 U.S. Provisional Patent Application 61/116,453 (SHP000009319-SHP000009341) U.S. Patent 8,739,495 (SHP000028196-SHP000028208), Col. 4, lines 35-39, 53-56; Col. 4, lines 51-53; Col. 5, lines 1-8; Col. 5, lines 35-37; Col. 5, lines 49-53; Col. 6, lines 40-49 (replicated in other patents-in-suit), p. 1; Col 4, lines 35-39; p. 2, 2nd column “Foreign Patent Documents; U.S. Patent 4,455,396 issued to Al-Tabaqchall (SHP000009874-SHP000009880), Abstract, and Col. 2, lines 30-33 File Wrapper, U.S. Patent 8,739,495 Patent (SHP000033827-SHP000034155), Emseal’s Response to the Non-Final Office Action of September 10, 2013, p. 17. PCT/US2005/036849 filed October 4, 2005 by Emseal Corporation; 11 pages; published March 1, 2007 by World Intellectual Property Organization as WO 2007/024246, (SHP000017472-SHP000017482) page 5, line 5- page 6, line 8 and page 6, lines 9-13. U.S. Patent 3,232,786 issued to Kellman (SHP000019535-SHP000019539), Fig. 2; Col. 5, lines 5-43 and 55-68. Plaintiff’s Disclosure of Asserted Claims and Infringement Contentions, Case 1:14-cv-00358-SM, (SHP000034156-SHP000034161) p. 5 Provisional Application 61/116,453 (SHP000009319-SHP000009341) File Wrapper, U.S. Patent 8,739,495 Patent (SHP000033827-SHP000034155), Ser. No. 13/721,855 (2014 ‘495 Patent) Office Action of September 10, 2013, p. 12

Term to be construed	Asserted Patent and Case Claim(s)	Proposed Construction Document 135-2 Filed 07/16/18 Page 3 of 17 Identification of all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced.
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IDENTIFIED BY PLAINTIFFS

"after compression"	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44	after being pressed into less volume	U.S. Patent 8,739,495, (SHP000028196-SHP000028208) Col. 6, lines 43-49 (replicated in other patents-in-suit).
	9644368B1: 3, 7		U.S. Patent 9,760,666, (SHP000031074-SHP000031085), Col. 8, line 62 - Col. 9, line 5.
	9760666B1: 1-59		

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	8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41 8813450C1: 1-22		U.S. Patent 8,365,495, (SHP000031013-SHP000031026), Col. 6, lines 41-47. U.S. Patent 8,813,450, (SHP000031138-SHP000031157), Col. 11, lines 20-29.
“[capable of] withstanding exposure” / “[capable to] withstand exposure”	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44 9528262B2: 1-43 9644368B1: 1-7 9670666B1: 1-59 9637915B1: 20, 21, 32, 33, 38 8813450C1: 1-24 9631362B2: 1-19 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41	able to resist or endure exposure without the transmission through the joint system of heat and gases sufficiently hot to ignite cotton waste	<p>Underwriters Laboratories, Inc. Standard for Safety, UL 2079, Tests for Fire Resistance of Building Joint Systems (2008), p. 1-38, (SHP000001546-SHP000001583) p. “5”</p> <p>File Wrapper, U.S. Patent 8,739,495 Patent (SHP000033827-SHP000034155), Response to Non-Final Office Action of September 10, 2013 (filed December 9, 2013), p. 6-8</p> <p>Reexamination Control No. 90/013,395 (SHP000028209-SHP000030890), Supplemental Reply to Final Office Action and Reply to Advisory Action, Declaration of Lester Hensley, CEO of Emseal (August 8, 2016) p. 16; Amendment and Response to Final Office Action of April 7, 2016, p. 25; Second Supplemental Reply to Final Office Action and Reply to Second Advisory Action, of September 30, 2016, at p. 23, lines 26-30.</p> <p>PGR2017-00053, Patent Owner’s Preliminary Response to Petition for Post-Grant Review of U.S. Patent 9,528,262, (SHP000028209-SHP000030890), p. 30.</p> <p>Serial No. 13/729,500 (SHP000034227-SHP000035756), Amendment and Response to Final Office Action Filed Concurrently with a Request for Continued Examination (RCE), p. 23-24.</p> <p>Reexamination 90/013,395 (SHP000028209-SHP000030890), Amendment and Response to Final Office Action of May 9, 2016, p. 29.</p> <p>Reexamination 90/013,565 (SHP000031158-SHP000033826), Final Rejection of April 8, 2016, p. 6.</p> <p>Mr. Montplaisar is expected to testify regarding the meaning of "capable of withstanding exposure" in connection with a fire resistant expansion joint, that the phrase is not used in the industry but that in the construction and furniture industries a fire resistant product is one which is nonflammable and resists burning, as opposed to a fire retardant product which designed to burn slowly. Dr. MacLean is further expected to testify regarding the meaning of "capable of withstanding exposure" in connection with a fire resistant expansion joint, that the phrase is not used in the industry but that in the construction and furniture industries a fire resistant product is one which is nonflammable and resists burning, as opposed to a fire retardant product which designed to burn slowly.</p>
“maintain fire resistance”	9644368B1: 8-17	having the same fire resistance value before and after	U.S. Patent 8,365,495, (SHP000031013-SHP000031026), Col. 2, lines 37-43; Col. 3, lines 13-14; Col. 3, lines 15-30 (replicated in other patents-in-suit).

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"pass testing mandated by UL 2079"/ "pass UL 2079 testing"	<p>8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44</p> <p>9637915B1: 1-25, 36-40</p> <p>9528262B2: 1-43</p> <p>9637666B1: 1-59</p> <p>9644368B1: 1-17</p> <p>9631362B2: 1-20</p> <p>8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41</p>	<p>when tested according to the test method appropriate for the desired configuration of the joint system, meets the Conditions of Acceptance for a Fire Endurance Rating where the desired configuration is provided in the associated patent</p>	<p>U.S. Patent 8,739,495, Col. 2, lines 13-25, (SHP000028196-SHP000028208) (replicated in other patents-in-suit).</p> <p>U.S. Patent 8,365,495, (SHP000031013-SHP000031026), Col. 2, lines 9-21, Col. 5, lines 28-32 and Col. 5, lines 43-46 and Col. 6, lines 47-51, p. 1</p> <p>Reexamination 90/013,395, Amendment and Response to Final Office Action of April 7, 2016, May 9, 2016, p. 54, lines 4-5 and in Supplemental Reply to Final Office Action and Reply to Advisory Action, August 8, 2016, p. 49, lines 9-10 (SHP000028209-SHP000030890).</p> <p>Doc. 77-1, Memorandum of Law in Support of Objection to Defendants' Partial Motion to Dismiss, (SHP000030891-SHP000030912) p. 5, lines 9-19; pgs. 12, line 21 - 14, line 3.</p> <p>PGR2017-00053, Patent Owner's Preliminary Response to Petition for Post-Grant Review of U.S. Patent 9,528,262, (SHP000030920-SHP000031012) pps. 16, 34, 36-37.</p> <p>Underwriters Laboratories, Inc. Standard for Safety, UL 2079, Tests for Fire Resistance of Building Joint Systems (2008), (SHP000001546-SHP000001583) p. 1-38, pps. "5", "6A", "7", "8", "9", "10", "11", "16", "21"- "22".</p> <p>Corporate representative of UL, LLC (percipient witness) is expected to testify that UL, LLC as of November 20, 2008 did not use the term "pass" in connection with UL 2079, did not recognize the phrase "to pass testing mandated by UL 2079," did not ascribe any formal meaning to the term "pass" in connection with UL 2079, did not have a definition for the term "to pass" in connection with UL 2079 and does not today.</p> <p>Ser. No.: 13/729,500 ('666 Patent), Amendment and Response to Non-Final Office Action dated February 23, 2015, p. 10-11.; (SHP000034227-SHP000035756)</p> <p>Ser. No.: 14/278,210 ('368 Patent), Response to Non-Final Office Action of January 5, 2015, p. 6; (MKG-Schul-020802-MKG-Schul-027616)</p> <p>Ser. No.: 14/278,210 ('368 Patent), Response to Non-Final Office Action of May 19, 2016, p. 8; Ex. 14, (MKG-Schul-020802-MKG-Schul-027616)</p> <p>Ser. No. 14/540,514 ('262 patent), Response to Final Office Action (of March 31, 2016), p.11; (MKG-Schul-027617-MKG-Schul-034017)</p> <p>Reexamination 90/013,395 (2014 '495 Patent) (SHP000028209-SHP000030890), Supplemental Reply to Final Office Action and Reply to Advisory Action, p. 18-19;</p> <p>Reexamination 90/013,395 (2014 '495 Patent) Amendment and Response of February 22, 2016 to Non-Final Office Action of January 20, 2016, p. 17; (SHP000028209-SHP000030890)</p>

Term to be construed	Asserted Patent and Case Claim(s)	Proposed Construction Document 135-2 Filed 07/16/18 Page 6 of 12 Identification of all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced.
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		<p>Reexamination 90/013,395 (2014 '495 Patent), Reply to Non-Final Office Action of August 12, 2015, p. 14; (SHP000028209-SHP000030890)</p> <p>Reexamination App./Control No. 90/013,395 (2014 '495 Patent), Supplemental Reply to Final Office Action and Reply to Advisory Action, p. 19; (SHP000028209-SHP000030890)</p> <p>Reexamination 90/013,565 (2013 '495 Patent), Amendment and Response to Non-Final Office Action of January 8, 2016, p. 17. (MKG-Schul-097866-MKG-Schul-105680)</p> <p>Patent Owners Preliminary Response to Petition for Post-Grant Review of U.S. Patent 9,644,368B1, p. 5 (SHP000035757-SHP000035855)</p> <p>U.S. Provisional Patent Application 61/116,453 (SHP000009319-SHP000009341)</p> <p>US Patent 8739495 (SHP000028196-SHP000028208), p.1, p. 2, References Cited, Other Publications;</p> <p>US Patent 9528262, p.1, p. 9, References Cited, Other Publications; (SHP000031056-SHP000031073)</p> <p>US Patent 9644368, p.1, p. 5, References Cited, Other Publications; (SHP000031086-SHP000031103)</p> <p>US Patent 9670666 (SHP000031074-SHP000031085), p.1, p. 4, References Cited, Other Publications;</p> <p>US Patent 9631362, p. 2, p. 7 References Cited, Other Publications; (SHP000031056-SHP000031073)</p> <p>US Patent 9637915 (SHP000031027-SHP000031055), p.1, p. 5, References Cited, Other Publications;</p> <p>Reexamination 90013565 (US Patent 8365495), Examiner-initialed Information Disclosure Statements filed December 1, 2015, p. 32, considered on January 8, 2016 (citing UL 2079), (MKG-Schul-097866- MKG-Schul-105680)</p> <p>Eric Montplaisir is expected to testify that UL 2079 requires a product that is "configured to pass testing mandated by UL 2079," or is "configured to pass movement cycling and fire endurance testing mandated by UL 2079" or "passes UL 2079" must meet a number of requirements found throughout the UL 2079 standard, both generally and specific to joint size, that there is no industry-standard single, specific meaning of "pass" in connection with UL 2079, and the Conditions of Acceptance that a product must meet varies according to the test method employed, which itself is a product of submitted-selected details including, without limitation specified condition(s) of movement cycling, nominal joint width, maximum joint width, minimum joint width, joint system structure (floor-to-floor, wall-to-wall, floor-to-wall,</p>
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Term to be construed	Asserted Patent and Case Claim(s)	Proposed Construction Document 135-2 Filed 07/16/18 Page 7 of 12 Identification of all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced.
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		<p>or head-of-wall), structure (fire resistive floor and/or wall segments between which the joint system is installed), desired fire endurance rating, load bearing capability (if any), and length-to-maximum joint width ratio. Steven MacLean is expected to testify that UL 2079 requires a product that is "configured to pass testing mandated by UL 2079," or is "configured to pass movement cycling and fire endurance testing mandated by UL 2079" or "passes UL 2079" must meet a number of requirements found throughout the UL 2079 standard, both generally and specific to joint size, that there is no industry-standard single, specific meaning of "pass" in connection with UL 2079, and the Conditions of Acceptance that a product must meet varies according to the test method employed, which itself is a product of submitted-selected details including, without limitation specified condition(s) of movement cycling, nominal joint width, maximum joint width, minimum joint width, joint system structure (floor-to-floor, wall-to-wall, floor-to-wall, or head-of-wall), structure (fire resistive floor and/or wall segments between which the joint system is installed), desired fire endurance rating, load bearing capability (if any), and length-to-maximum joint width ratio. Any other references from "configured to pass testing mandated by UL 2079/ pass movement cycling and fire endurance testing mandated by UL 2079"</p>
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IDENTIFIED BY DEFENDANTS

<p>"configured to pass testing mandated by UL 2079/ configured to pass movement cycling and fire endurance testing mandated by UL 2079"</p>	<p>8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44 9637915B1: 1-40 9528262B2: 1-43 9637666B1: 1-59 9644368B1: 1-17 9631362B2: 1-20 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41</p>	<p>constructed compliant with requirements for test specimens in UL 2079 test methods and when tested according to the test method appropriate for the desired configuration of the joint system, meets the Conditions of Acceptance for a Fire Endurance Rating where the desired configuration is provided in the associated patent</p> <p>U.S. Patent 8,739,495, (SHP000028196-SHP000028208) p. 1, p. 2, Col. 2, lines 13-25 (replicated in other patents-in-suit). U.S. Patent 8,365,495, (SHP000031013-SHP000031026), p. 1, Col. 2, lines 9-21, Col. 5, lines 28-32 and Col. 5, lines 43-46 and Col. 6, lines 47-51 Reexamination 90/013,395, Amendment and Response to Final Office Action of April 7, 2016, May 9, 2016, p. 54, lines 4-5 and in Supplemental Reply to Final Office Action and Reply to Advisory Action, August 8, 2016, p. 49, lines 9-10 (SHP000028209-SHP000030890). Doc. 77-1, Memorandum of Law in Support of Objection to Defendants' Partial Motion to Dismiss, (SHP000030891-SHP000030912) p. 5, lines 9-19; pgs. 12, line 21 - 14, line 3. PGR2017-00053, Patent Owner's Preliminary Response to Petition for Post-Grant Review of U.S. Patent 9,528,262, (SHP000030920-SHP000031012) pps. 16, 34, 36-37. Underwriters Laboratories, Inc. Standard for Safety, UL 2079, Tests for Fire Resistance of Building Joint Systems (2008), (SHP000001546-</p>
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		<p>SHP000001583) p. 1-38, pps. "5," "6A," "7," , "8", "9," "10", "11", "16","21", "22."</p> <p>US Patent 8739495 (SHP000028196-SHP000028208), p. 2, References Cited, Other Publications;</p> <p>Ser. No.: 13/729,500 ('666 Patent), Amendment and Response to Non-Final Office Action dated February 23, 2015, p. 10-11.; (SHP000034227-SHP000035756)</p> <p>Ser. No.: 14/278,210 ('368 Patent), Response to Non-Final Office Action of January 5, 2015, p. 6; (MKG-Schul-020802-MKG-Schul-027616)</p> <p>Ser. No.: 14/278,210 ('368 Patent), Response to Non-Final Office Action of May 19, 2016, p. 8; Ex. 14, (MKG-Schul-020802-MKG-Schul-027616)</p> <p>Ser. No. 14/540,514 ('262 patent), Response to Final Office Action (of March 31, 2016), p.11; (MKG-Schul-027617-MKG-Schul-034017)</p> <p>Reexamination 90/013,395 (2014 '495 Patent) (SHP000028209-SHP000030890), Supplemental Reply to Final Office Action and Reply to Advisory Action, p. 18-19;</p> <p>U.S. Provisional Patent Application 61/116,453 (SHP000009319-SHP000009341)</p> <p>Reexamination 90/013,395 (2014 '495 Patent) Amendment and Response of February 22, 2016 to Non-Final Office Action of January 20, 2016, p. 17; (SHP000028209-SHP000030890)</p> <p>Reexamination 90/013,395 (2014 '495 Patent), Reply to Non-Final Office Action of August 12, 2015, p. 14; (SHP000028209-SHP000030890)</p> <p>Reexamination App./Control No. 90/013,395 (2014 '495 Patent), Supplemental Reply to Final Office Action and Reply to Advisory Action, p. 19; (SHP000028209-SHP000030890)</p> <p>Reexamination 90/013,565 (2013 '495 Patent), Amendment and Response to Non-Final Office Action of January 8, 2016, p. 17. (MKG-Schul-097866-MKG-Schul-105680)</p> <p>Patent Owners Preliminary Response to Petition for Post-Grant Review of U.S. Patent 9,644,368B1, p. 5 (SHP000035757-SHP000035855)</p> <p>Ser. No.: 13/729,500 ('666 Patent), Amendment and Response to Non-Final Office Action dated February 23, 2015, p. 10-11.; (SHP000034227-SHP000035756)</p> <p>Ser. No.: 14/278,210 ('368 Patent), Response to Non-Final Office Action of January 5, 2015, p. 6; (MKG-Schul-020802-MKG-Schul-027616)</p> <p>Ser. No.: 14/278,210 ('368 Patent), Response to Non-Final Office Action of May 19, 2016, p. 8; Ex. 14, (MKG-Schul-020802-MKG-Schul-027616)</p>
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		<p>Ser. No. 14/540,514 ('262 patent), Response to Final Office Action (of March 31, 2016), p.11; (MKG-Schul-027617-MKG-Schul-034017)</p> <p>Reexamination 90/013,395 (2014 '495 Patent) (SHP000028209-SHP000030890), Supplemental Reply to Final Office Action and Reply to Advisory Action, p. 18-19;</p> <p>Reexamination 90/013,395 (2014 '495 Patent) Amendment and Response of February 22, 2016 to Non-Final Office Action of January 20, 2016, p. 17; (SHP000028209-SHP000030890)</p> <p>Reexamination 90/013,395 (2014 '495 Patent), Reply to Non-Final Office Action of August 12, 2015, p. 14; (SHP000028209-SHP000030890)</p> <p>Reexamination App./Control No. 90/013,395 (2014 '495 Patent), Supplemental Reply to Final Office Action and Reply to Advisory Action, p. 19; (SHP000028209-SHP000030890)</p> <p>Reexamination 90/013,565 (2013 '495 Patent), Amendment and Response to Non-Final Office Action of January 8, 2016, p. 17. (MKG-Schul-097866-MKG-Schul-105680)</p> <p>Patent Owners Preliminary Response to Petition for Post-Grant Review of U.S. Patent 9,644,368B1, p. 5 (SHP000035757-SHP000035855)</p> <p>US Patent 9528262, p. 1, p. 9, References Cited, Other Publications; (SHP000031056-SHP000031073)</p> <p>US Patent 9644368, p. 1, p. 5, References Cited, Other Publications; (SHP000031086-SHP000031103)</p> <p>US Patent 9670666 (SHP000031074-SHP000031085), p.1, p. 4, References Cited, Other Publications;</p> <p>US Patent 9631362, p. 2, p. 7 References Cited, Other Publications; (SHP000031056-SHP000031073)</p> <p>US Patent 9637915 (SHP000031027-SHP000031055), p.1, p. 5, References Cited, Other Publications;</p> <p>Reexamination 90013565 (US Patent 8365495), Examiner-initiated Information Disclosure Statements filed December 1, 2015, p. 32, considered on January 8, 2016 (citing UL 2079); (SHP000031158-SHP000033826)</p> <p>Corporate representative of UL, LLC (percipient witness) is expected to testify that UL, LLC as of November 20, 2008 did not use the term "pass" in connection with UL 2079, did not recognize the phrase "to pass testing mandated by UL 2079," did not ascribe any formal meaning to the term "pass" in connection with UL 2079, did not have a definition for the term "to pass" in connection with UL 2079 and does not today.</p> <p>Eric Montplaisir is expected to testify that UL 2079 requires a product that is "configured to pass testing mandated by UL 2079," or is "configured to pass</p>
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		<p>movement cycling and fire endurance testing mandated by UL 2079" or "passes UL 2079" must meet a number of requirements found throughout the UL 2079 standard, both generally and specific to joint size, that there is no industry-standard single, specific meaning of "pass" in connection with UL 2079, and the Conditions of Acceptance that a product must meet varies according to the test method employed, which itself is a product of submitted-selected details including, without limitation specified condition(s) of movement cycling, nominal joint width, maximum joint width, minimum joint width, joint system structure (floor-to-floor, wall-to-wall, floor-to-wall, or head-of-wall), structure (fire resistive floor and/or wall segments between which the joint system is installed), desired fire endurance rating, load bearing capability (if any), and length-to-maximum joint width ratio.</p> <p>Steven MacLean is expected to testify that UL 2079 requires a product that is "configured to pass testing mandated by UL 2079," or is "configured to pass movement cycling and fire endurance testing mandated by UL 2079" or "passes UL 2079" must meet a number of requirements found throughout the UL 2079 standard, both generally and specific to joint size, that there is no industry-standard single, specific meaning of "pass" in connection with UL 2079, and the Conditions of Acceptance that a product must meet varies according to the test method employed, which itself is a product of submitted-selected details including, without limitation specified condition(s) of movement cycling, nominal joint width, maximum joint width, minimum joint width, joint system structure (floor-to-floor, wall-to-wall, floor-to-wall, or head-of-wall), structure (fire resistive floor and/or wall segments between which the joint system is installed), desired fire endurance rating, load bearing capability (if any), and length-to-maximum joint width ratio.</p> <p>Any other references from "pass testing mandated by UL 2079"/ "pass UL 2079 testing"</p>
"foam"	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44 9528262B2: 1-43 9644368B1: 1-17 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41	cellular material capable of compression and expansion to accommodate movement and to provide a recovery or return force ("back pressure") and into which a fire retardant material can be infused, put into, included in, or permeated in

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“included in”	9528262B2:1-43	The forcing or drawing by negative pressure of a material into a body where the material is fully retained in the body and the solvent is permitted to be driven off, without a further step to obtain a desired density less than full saturation. A process which is distinct from, and is an alternative to, impregnated, partial impregnation, or impregnating.	Same as “infused”
“put into”	9644368B1: 8-17	The forcing or drawing by negative pressure of a material into a body where the material is fully retained in the body and the solvent is permitted to be driven off, without a further step to obtain a desired density less than full saturation. A process which is distinct from, and is an alternative to, impregnated, partial impregnation, or impregnating.	Same as “infused”
“permeated into”	9670666B1: 42-59 8813450C1: 1-24	The forcing or drawing by negative pressure of a material into a body where the material is fully retained in the body and the solvent is permitted to be driven off, without a further step to obtain a desired density less than full saturation. A process which is distinct from, and is an alternative to, impregnated, partial impregnation, or impregnating.	Same as “infused”
“[expansion joint system] and [the infused foam] are”/[expansion joint system] and [the infused open celled foam] are”	8739495C1: 1-5, 8, 9, 12, 13, 16, 18-26, 28-31, 33-35, 37-44 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41	each of the expansion joint system and the infused foam, separately, is	Transcript of Oral Argument before the Honorable Steven J. McAuliffe, November 29, 2017, (SHP000034162-SHP000034226), p. 23, lines 2-24; p. 24, lines 15-23; p. 25, lines 3-12; p. 25, lines 8-13; p. 29, line 24 - p. 30, line 9; p. 31, line 16 - p. 32, line 6. Reexamination Control No. 90/013,395. (SHP000028209-SHP000030890), Applicant Remarks made in Amendment Dated August 8, 2016,pps. 18-19, Plaintiff's Surreply to Defendants' Reply to Plaintiff's Objection to Partial Motion to Dismiss, Doc. 81-1, (SHP000030913-SHP000030919), p 4-6, ¶1.
3 to about 150 kg/m ³ ”	3 to about 150 kg/m ³ ”		

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	8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41		
“fire retardant material” / “fire retardant”	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44 9528262B2: 1-43 9644368B1: 1-17 9670666B1: 1-59 9637915B1: 1-40 8813450C1: 1-24 9631362B2: 1-20 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41	a solid material capable of suppressing combustion and smoke formation.	U.S. Patent 8,739,495, (SHP000028196-SHP000028208), Col. 4, lines 57-67 (replicated in other patents-in-suit).
“capable of withstanding” / “ability to withstand”	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44 9528262B2: 1-43 9644368B1: 1-7 9670666B1: 1-59 9637915B1: 20, 21, 32, 33, 38 8813450C1: 1-24 9631362B2: 1-19 8365495C1: 1-2, 5-7, 9-12, 14, 17-19, 21-24, 28-30, 32-34, 37, 40-41	able to resist or endure exposure without the transmission through the joint system of heat and gases sufficiently hot to ignite cotton waste	Same as “[capable of] withstanding exposure” / “[able to] withstand exposure”
“a temperature of about 540°C at about five minutes”	9528262B2: 1-12, 24-43 9644368B1: 1-17 9670666B1: 1-59 9631362B2: 1-19	a single temperature of not less than 538°C and not more than 542°C at a time five minutes after a specified time.	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions, Case 1:14-cv-00358-SM, (SHP000034156-SHP000034161), Exhibit I-A-1, p. 3. Reexamination 90/013,395 (SHP000028209-SHP000030890), Advisory Action of September 14, 2016, p. 3.

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“a temperature of about 540°C or greater for about 5 minutes”	8739495C1: 1-9, 12-13, 16-26, 28-35, 37-44	a single temperature of not less than 538°C and not more than 542°C for five minutes.	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions, Case 1:14-cv-00358-SM, (SHP000034156-SHP000034161), Exhibit I-A-1, p. 3.
“a temperature of about 1010°C at about two hours”	9528262B2:13-23	a single temperature of not less than 1008°C and not more than 1012°C at a time two hours after a specified time.	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions, Case 1:14-cv-00358-SM, (SHP000034156-SHP000034161), Exhibit I-A-1, p. 20. Reexamination 90/013,395 (SHP000028209-SHP000030890), Advisory Action of September 14, 2016, p. 3.
pass movement cycling and fire endurance testing mandated by UL 2079”	9637915B1: 26-35	when tested according to the test method appropriate for the desired configuration of the joint system, meets the Conditions of Acceptance for a Fire Endurance Rating where the desired configuration is provided in the associated patent	Same as ““pass testing mandated by UL 2079”/ “pass UL 2079 testing””